

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

JOSEPH B. GUILLORY, JR.

V.

**MICHAEL J. ASTRUE,¹
Commissioner of Social Security
Administration**

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NO. 1:06-CV-546

**MEMORANDUM OPINION ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Court heretofore ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report of the United States Magistrate Judge were filed by the parties.

The court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct and the Report of the United States Magistrate Judge is **ADOPTED**. A Final Judgment will be entered separately, remanding this action to the Commissioner for rehearing under the fourth sentence of 42 U.S.C. § 405(g).

SIGNED this the **8** day of **March, 2007**.


Thad Heartfield
United States District Judge

¹ Michael J. Astrue was appointed Commissioner of Social Security Administration on February 12, 2007, succeeding Acting Commissioner Linda S. McMahon, who succeeded Commissioner Jo Anne Barnhart. He is automatically substituted as a party pursuant to 42 U.S.C. § 405(g) and Rule 25(d)(1), Federal Rules of Civil Procedure.